A 20

Charge Given

AT THE

General Quarter-Sessions

OF THE

PEACE

For the County of

SURREY,

HOLDEN

At *Dorking* on *Tueſday* the 5th. day of *April*, 1692. and in the Fourth Year of their Majeſties Reign.

By the Honourable *Hugh Hare*, Eſq;

One of their Majeſties Juſtices of the Peace for that County.

The Second Edition Corrected.

LONDON,

Printed for *John Newton* at the *Three Pidgeons* over-againſt the *Inner-Temple-Gate* in *Fleet-ſtreet*, 1696.

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TO THE

Right Honourable

George Earl of *Berkeley*, &c.

Custos Rotulorum of the County of *Surrey*.

My LORD,

WHen I Petition'd your Lordship to appoint the Easter *Sessions at* Dorking, *I little expected the Honour the* Gentlemen *on the Bench were pleased to do me in chusing me for their Chairman, but when I was forc'd to submit to their Commands, in accepting an Office for which I was so ill qualified, I was extremely surprized at the unusual Compliment the Grand Jury first, and then the Court, made me, in desiring me to Publish the Charge I gave them. All the Importunities I could use, prov'd insufficient to excuse me from appearing thus in Publick; and I was forc'd out of deference to their Judgments, and obedience to their Orders, though with the greatest Reluctance, to execute on my self a Sentence so Severe. For though there is nothing in these Papers that an honest Man need be ashamed of; yet the World will be apt to judge of them, not according to the sincerity of the Author, but the exactness of the performance: And there ought to be Wit, and Eloquence, Sense, and Judgment, as well as a good intention in those that appear in Print. I am sensible, My Lord, how deficient I am in the first mentioned Qualifications, and therefore I thought it necessary to beg your Lordship's Protection*

for this Diſcourſe. And indeed, whether I conſider your Lordſhip as a zealous Patron of Religion and Vertue, or as a true Friend to the Intereſts of your Country, and, by conſequence, entirely devoted to their Majeſties Service; or whether I conſider the High Office your Lordſhip ſo deſervedly enjoys in this County, and the Obligations I owe your Lordſhip for honouring me with your Friendſhip; in all theſe reſpects, my Lord, there can be no Perſon ſo fit as your Lordſhip, to defend the following Sheets from the Cenſures of Atheiſtical Libertines, and Seditious Male Contents. If we were to judge of the Strength of theſe two Parties by their Clamour, and their Poſitiveneſs in what they aſſert, then Religion, Vertue and Loyalty might juſtly be apprehenſive of them as dangerous and formidable Enemies. But thoſe Arguments had need be irrefragable that can perſuade a Man of Senſe, either that Wickedneſs and Goodneſs are of the ſame intrinſic Value, and equally eligible, or that a Deſpotick Monarchy is preferable to the excellent Model of our Engliſh *Government. And though they were Maſters of as much Wit and Art as the* Epicurean *Poet, or the* Malmsbury *Philoſopher; (whoſe Dictates they for the moſt part Copy after) yet Principles that are in themſelves falſe, and, beſides that, undermine the Publick Security, and deſtroy the private Happineſs of Mankind, muſt never hope to be generally entertain'd, unleſs they have better Recommendations than ſuperficial Sophiſtry, and ſmooth Language. But, my Lord, 'tis the proper Buſineſs of a* Dedication *to be on the Defenſive: and therefore I ſhall not engage my ſelf any farther in this Quarrel. — I have only this to ſay in behalf of my ſelf, that whoever thinks I have proſtituted my* Pen *either to Revenge, Covetouſneſs, or Ambition, is very much miſtaken; for as I never receiv'd any perſonal Affront or Injury from the laſt Government, ſo neither do I expect or hope for any profitable Employments, or great Places under the preſent;*

ſent: But am as free on the one hand from Malice, as I am on the other from Flattery. By this the World may ſee I have no private Aims, but have ſincerely and freely declar'd the Genuine and Unbyaſt dictates of my Reaſon. And theſe I preſume to ſhelter under your Lordſhip's Patronage; *and ſince I have been, as it were, forc'd to Print theſe Papers, it is no ſmall comfort to me that I have thereby an Opportunity publickly to own your Lordſhip's kindneſs in appointing, at my requeſt, the laſt Seſſions at* Dorking, *and in giving me reaſon to hope that that place ſhall now and then, by your Lordſhip's Grant, ſhare an Advantage from which it hath for ſome time been excluded, and which, I aſſure my ſelf, they will for the future deſerve better, by prevailing with the Juſtices to fill the Chair with a Perſon fitter for that Employment, than,*

My Lord,

Betchworth, Apr. 12. 1692.

Your Lordſhip's moſt

Obliged, Obedient, and

and Humble Servant,

H. HARE.

Sur' ff. *Ad General' quarterial' Seſſion. Pacis Domini Regis & Dominæ Reginæ Com' Sur' tent' in & pro Comitatu prædicto apud* Dorking *in eodem Comitatu die Martis in Septimana proxima poſt Clauſum Paſch' ſcilicet, quinto die Aprilis, Anno Regni Dom.* Will' *& Dom.* Mar. *Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ, Regis & Reginæ, fidei defenſorum,* &c. *quarto coram Juſticiariis ibid. aſſignatis,* &c.

ON Reading the Addreſs of the Grand Inqueſt, for the Body of this County at the General Quarter Seſſions of the Peace, now held for this County at *Dorking*; whereby it is deſir'd that the Honourable *Hugh Hare* Eſq; would pleaſe to permit his Religious, Learned, and Loyal Charge now given to the ſaid Grand Inqueſt to be Printed. The Juſtices now preſent in Court, do Concurr and Agree with the ſaid Grand Inqueſt in their Addreſs, and do deſire that the ſaid Mr. *Hare* would pleaſe to permit his ſaid Charge to be Printed.

Per Cur.

Exr̃ per Will. Smith *Cler. pacis Com. Sur. præd.*

WEE

Surr' ſſ. WE E whoſe Names are ſubſcribed, being the Grand Jury for the ſaid County, do preſent our Humble Thanks to the Honourable *Hugh Hare* Eſq; Chairman at the General Quarter-Seſſions held at *Dorking*, in the ſaid County, the 5*th.* of *April*, 1692. for his Religious, Learned and Loyal Charge; and do humbly deſire, that for the Advantage of this County, for whoſe Benefit it was intended, he would permit the ſame to be Printed.

Tho. Baker
Tho. Vincent
Valentine Hayward
John Iſted
John Goldhawke
Tho. Francis
Will. Luck
John Hill
Miles Dudley
John Woodman
John Stilwell
John Rowod
Tho. Harther
John Knight
Tho. Spong
Walter Lonhurſt
Tho. Cannel
John Page
Michael Greene
Will. Wood
Will. Wood
Jo. Gardiner
Joſeph Bignold
Charles King
Richard Hubbard

A Charge

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AT THE

General Quarter-Sessions

OF THE

PEACE

For the County of

SURREY,

HOLDEN

At *Dorking* on *Tuesday* the 5th. day of *April*, 1692.

Gentlemen of the Jury,

AS the Neceſſity of Government flows from the Corruption of Humane Nature, ſo the Strength, the Glory, and the Honour of it conſiſt in the regular Adminiſtration of Juſtice; and as without the one, Societies cannot be upheld, ſo without the other, all Communities would be but little better than well-modelled Combinations to oppreſs, cheat, and ruine the weaker and ſubmitting part of Mankind. Not but that the advantages of a Political Union are ſo conſiderable, that it may

be doubted whether Tyranny it ſelf, though as execrable as that formerly practiſed by the *Roman Nero*, and in theſe our Days, revived with many Additions by the *French Louis*, be not rather to be choſen than a wild and confuſed Anarchy. This State expoſes Men to the Frauds and Violence of all their Neighbours, and the extravagant Caprices of the Mobile; and the other ſubjects whole Nations to the mad Frolicks and brutal Paſſions of a flattered and abuſed Tyrant.

Both Extremes are very dreadful, and as much to be deprecated as a raging Peſtilence, or any other common Calamity: While the Mean between them, from which they both ſo far deviate, is a Copy well drawn from that great, and not to be parall'd Original of God's Government of the World, whoſe only End is to promote the Happineſs of his Creatures, as the Peace, Safety, and Publick good of the People, ought to be no leſs the Aim of all Rulers, than it is the Reaſon why Government was at firſt inſtituted. How happy therefore, and how much to be valued are the Conſtitutions and Laws of *England*, whereby we are deliver'd from both Extremes? We neither lie under the Terror of an Arbitrary Power, nor are we caſt looſe to the Wildneſs of ungovern'd Multitudes; we neither groan under the Tyranny of a *French Army*, nor the Madneſs of the Lawleſs Rabble. Our Laws are writ neither on Sand, nor with Blood: for they are neither eaſie to be Defaced, nor cruel in their Execution; but are a known and eſtabliſht Rule, whereby we are taught how to adminiſter Juſtice, and whereby as Mens Rights are limited, ſo their Paſſions are reſtrained, and the Publick Peace is ſetled on a ſecure Foundation. Prerogative and Property, which are ſo much abuſed as pretences for Oppreſſion on the one hand, and Sedition on the other, are by our Laws ſo well diſpoſed and regulated, that being twiſted together in a mutual Defence, they afford our Iſland a ſafer Protection than the Ocean that ſurrounds it; and having cruſht all the Domeſtick Enemies that ſecretly project our Ruine, ſtrike a Terrour on thoſe Foreigners that would invade our Repoſe. The Subject I am upon is ſo Copious and ſo Pleaſant, that ſhould I follow my own Inclinations, I ſhould waſte that time in Speaking, which may be much better ſpent in Acting for the good of our Country. Therefore I ſhall make my Charge as ſhort as conveniently I may, being fully

ly ſenſible that you all know, as well as I, the Buſineſs for which we are here met together. And I am ſure they ſerve the Government beſt, who though they may want Eloquence to give it its due Praiſes, yet have Courage enough to defend and preſerve it when diſturbed by any of its Enemies, in which number are to be reckon'd, not only that Ambitious, Bloody, and Perfidious Prince (that *Iſhmael* of our Age, *whoſe Hand is againſt every Man, and every Man's Hand againſt Him*) with whom we are at this time neceſſarily engaged in a juſt and honourable War, for the common Safety, Liberty, and Repoſe of *Europe*; but alſo thoſe more dangerous Enemies, our Domeſtick Ones: I mean all Prophane, Lewd, Debauched, Traiterous, Seditious, Lawleſs and Diſorderly Perſons, who Blaſpheme God, and Diſhonour themſelves; who conſpire the Ruine of the Government, under whoſe Protection they live, and cenſure all its Proceedings; who Rob, Murther, and Oppreſs the Innocent, and, in a Word, diſturb the Publick Peace. Of all which ſorts of People I may truly ſay, that as they are a Scandal and Reproach to Humane Nature, ſo do they naturally weaken the Foundations of any Conſtitution, and muſt in time, if not duly repreſs'd and puniſh'd, occaſion its Overthrow. Therefore the Laws of *England* have ſeveral ways wiſely provided Remedies for ſo great an Evil, and Preſervatives againſt ſo dangerous a Diſtemper. Among which, I may reckon one of the chiefeſt to be the Court of *Quarter-Seſſions*, which is four times in a Year held in every County. A Court ſo Honourable, that it receives its Authority by a ſpecial Commiſſion from Their Majeſties, in which the higheſt Subjects of *England* think it an additional Dignity and Priviledge to act for the Publick Good, and in relation whereunto the King himſelf is by our Laws ſtiled the *Principal Conſervator of the Peace:* A Title glorious without Pomp, and clearly expreſſive of the weighty Burthen annex'd to Royalty! And as our Office is Honourable, ſo is it likewiſe very Ancient; for beſides the Reaſons we have to believe that this, or ſomething very like it, was Contemporary with the Original of our Own, and moſt other Governments; beſides this, (I ſay) our Chronicles inform us that *William* the Firſt, commonly called *the Conqueror*, about the fourth Year of his Reign, which is above ſix Hundred Years ago, ordained Juſtices of the Peace. Though the firſt particular Statute we meet with con-

Gen. 16. 12.

Hollinſh. 3.

Stat. 1. E. 3. c. 16. cerning it, is of a younger date, *viz.* the firſt Year of *Edward* III's Reign. How generally uſeful and ſerviceable to the Country this our Authority hath been found to be, needs no other Proof than the conſiderable Enlargements it hath ſince that time receiv'd.

Whereas the *High Commiſſion Court*, the *Star Chamber*, the *Court of Wards and Liveries*, and ſeveral other Courts, being found to deviate from their Original Inſtitution, and inſtead of giving Eaſe, Relief, and Security, to become Burthenſome and Oppreſſive to the Subjects, have been ſuppreſs'd by Authority of Parliament. But the Wiſdom of the Nation inſtead of vacating our Power, hath in ſeveral Particulars extended the Limits of it; for they could not but be ſenſible of the vaſt Advantages that every Man receives by ſo frequent and ſo regular, ſo cheap and ſo eaſie an Adminiſtration of Juſtice, whereby all Violences are checkt, and the Diſturbers of the Publick Peace are hinder'd from triumphing in their unpuniſh'd Villanies.

That Peace is in it ſelf the greateſt Temporal Bleſſing that either Nations or private Men can enjoy, is not only evident from the unavoidable Miſeries and Calamities that attend the contrary State, and cloud the Glories of the moſt ſucceſsful Conquerors; but alſo from the high Encomium the Holy Spirit gives of it throughout the Bleſſed Scriptures. It was all along promiſed to the *Jews*, who then were God's peculiar People, as the greateſt Reward that he cou'd beſtow on thoſe who were obedient to his Laws; and whenever they notoriouſly ſwerv'd from this Divine Rule, how ſeverely did they feell the Prophet *Iſaiah*'s Denunciation executed upon them, *There is no peace, ſaith my God, to the wicked*: which is literally verified as to all Mankind, whether we conſider them united into ſeveral Political Societies, or under the Character of private Perſons; in both Stations Peace and Security, Quiet and Comfort, are at as great a diſtance from them, as they are from Innocence and Integrity. One of the Characters under which our Bleſſed Saviour's Birth was foretold, and his extraordinary Qualifications deſcribed, is this, he ſhall be called —— *The Prince of Peace.* When this Prophecy was fulfill'd by our Saviour's Myſterious Incarnation, the whole World was at Peace, the Gates of the Temple of *Janus*, which had ſo long

Iſai. c. 57. v. 21.

Iſai. c. 9. v. 6.

ſtood

ſtood open, were then ſhut, and when the joyful Tidings of our Lord's Birth were proclaimed by Angels to the Shepherds, Men of an innocent Life, and a meek and ſedate Temper, this Seraphick Hymn concluded the Gracious Meſſage on which they came; *Glory to God in the higheſt, on earth peace, good will towards Men.* Luk. c. 2. v. 14.

How noble a Title does our Saviour in his firſt Sermon on the Mount, beſtow on the *Peace-Makers*, whom he not only declares Bleſſed, but alſo promiſeth *that they ſhall be called the children of God.* Mat. c. 5. That God of Love and Peace, who by the Goſpel of Peace which v. 9. his Eternal Son promulgated to the World, hath made all Mankind capable of everlaſting Salvation. It would be vain preſumption in me to enlarge any farther on the Bleſſings of this happy State, whoſe praiſes have been ſo fully celebrated by the Voice of God and the Tongues of Angels; and after all that can be ſaid of the Strength, the Beauty, the Pleaſure, and all the other deſirable Conſequences of Peace, Tranquility, and Freedom (for Peace is not to be wiſht for when it wants thoſe main Ingredients in its Compoſition) the Advantages and the Delights of it are rather to be felt than expreſs'd. But as neceſſary as it is for the well being of Mankind, and the cementing of Societies, we muſt look upon it not only as the Reward, but alſo as the Natural Product of Juſtice; which being a Vertue whereby we are always ready to yield to every one their due, how can that be call'd a ſtate of Peace, wherein God, to whom, as he is our Creator, we owe the greateſt Honour and Reverence, is daily blaſphemed and affronted by the Prophane and Licentious; and wherein Mens reciprocal Duties to each other are ſo little regarded, that Treaſons and Murthers, Robberies and Oppreſſions, Frauds and Rapines, and, the worſt ſort of Rapine, Extortion, are daily committed with impunity? This is no more a ſtate of true Peace and well grounded Security, than a Lethargy is a ſtate of bodily Health, or a Conſcience ſeared and ſtupified with the daily perpetration of the greateſt Villanies, is a ſtate of Grace and Salvation. But I hope it is not our Misfortune to be in theſe Circumſtances at a time when we are particularly order'd by Their Majeſties, (who are themſelves admirable Examples of Piety and Vertue) to ſee all our good Laws againſt Vice and Debauchery, and all diſ-

orderly

orderly Actions, duly and impartially put in Execution. Therefore that we may, if it be poſſible, ſee thoſe days the Pſalmiſt ſpeaks of, *When righteouſneſs and peace ſhall kiſs each other*, I ſhall recommend to you (Gentlemen of the Jury) and to all others concern'd in it, to ſearch and enquire after, to preſent, inform againſt, and proſecute according to Law, all Offenders againſt the Rules of Juſtice; which as it relates to different Objects, I ſhall diſtinguiſh under theſe two general Heads, of Moral and Civil Juſtice. Under the former is comprehended all Prophaneneſs, Vice and Immorality; and under the latter, all Treaſons, Murthers, Felonies, and Breaches of the Publick Peace, and all other Crimes which you are Sworn to inquire into, and preſent, according to the beſt of your Skill and Knowledge; and I doubt not but you will acquit your Selves of this your Duty, with all Honeſty, Diligence, and Impartiality, remembring the Solemn Obligation you have laid upon your Souls, and the ſtrict Account that you muſt at the laſt Day give of your Actions before the great Tribunal.

Pſal. 85. v. 10.

Gentlemen, The Offenders againſt Moral Juſtice are thoſe who are guilty of profane Curſing and Swearing, of Perjury and Subornation, of the Profanation of the Lord's Day, of Drunkenneſs, Adultery, Fornication, and ſuch other diſſolute Practices, as do ſtill abound in this Kingdom, notwithſtanding the many good Laws in force againſt them; which Laws if they were duly and impartially Executed, Vice and Debauchery would be much leſs Impudent, Scandalous, and Contagious than now they are; and conſequently the Guilt of National Impiety would not ſo loudly call for Vengeance. Gentlemen, we neither want good Laws, nor due incouragement from our Superiors, nor yet good Magiſtrates of the higher Rank; but the Conſtables, Headboroughs, and other under Officers, have ſo little Religion or Honeſty in them, that their negligence in Informing and Proſecuting, renders our pains as it were ineffectual for the promoting a general Reformation of Manners. Therefore I muſt give it you particularly in Charge, to make a ſtrict enquiry into the Defaults and Neglects of all Petty-Conſtables, Headboroughs and Tything-men, in the Execution of their Office; but more eſpecially you are to enquire whether they have duly

Executed

Executed the Order of the Quarter Seſſions holden for this County at *Kingſton* in *October* laſt; Printed Copies whereof have been affixt to the Doors of the Pariſh Churches, and in other Publick Places, that as the Officers of ſome particular Hundreds have been minded of this their Duty, by a Monthly Petty Seſſions kept for the ſame purpoſe by the Neighbouring Juſtices; ſo the whole County ſhould, by this more Publick Act of the Quarter Seſſions, know that it is the unanimous Reſolution of us all to do our Parts towards the puniſhing and repreſſing theſe Vices ſo juſtly hateful to God and to all good Men. And Gentlemen, let me once more tell you, it is your Buſineſs to enquire into, and make due preſentment of the neglect or connivance of all Officers of Juſtice concerned in the Execution of theſe Laws; for ſince we find by experience, that they have ſo little regard either to the Glory of God, the Good of their Country, or the Performance of their own Oaths, it is highly conducive both to their own good, and to the better demeanour of their Succeſſors, that they ſhould be made Publick Examples of, and ſuffer Fine and Impriſonment as the Bench ſhall think fit.

Gentlemen, I am ſorry the prevailing Wickedneſs of the Age has made this digreſſion of mine ſo neceſſary; I ſhall now proceed to diſcourſe farther to you on the ſeveral parts of Moral Juſtice, and after I have repreſented to you the Nature of thoſe Vices which are contrary to it, and the Penalties our Laws annex to ſuch Vices; I ſhall juſt hint to you ſome weighty and indiſpenſible Obligations, which you, as well as other Officers of Juſtice lie under, diligently, zealouſly and impartially to join in the promoting ſo good a Work.

And firſt, Gentlemen, the daily increaſe of profane Curſing and Swearing is a thing ſeriouſly and ſadly to be conſider'd. Men are now grown ſo hardned and riveted in this Blaſphemous Cuſtom, that one may juſtly wonder at the Merciful forbearance of Almighty God, in not puniſhing thoſe impious Wretches by an immediate ſtroke of his Almighty Vengeance; in not conſigning them, in the very inſtant of their Wickedneſs, to that Devil whoſe Protection they ſo often invoke, in not ſinking them quick into that irrecoverable State of Damnation they ſo zealouſly imprecate upon themſelves, for the confirmation of ſome trifling matter, not worthy a wiſe Man's Notice, and perhaps ſometimes

times of a downright falſhood? This is an Immorality ſo unworthy of any one who profeſſeth himſelf a Chriſtian, that even an honeſt Heathen would have bluſht to be ſurpriz'd in it; for tho' their Religion was falſe, and their Gods were fictitious, yet they were rather guilty of an immoderate Superſtition, than of any thing that ſo much as border'd upon Profaneneſs, which of the two Errors in Worſhipping the Deity, is far the more inexcuſable. And as this Sin is very diſhonourable to God, ſo is it in this particular extremely dangerous to Humane Societies; in that it makes Men careleſs and inconſiderate of what they aſſert or promiſe, though they confirm it with the moſt ſolemn Oaths. For (as a wiſe Heathen excellently obſerves) from a common cuſtom of Swearing, Men eaſily ſlide into Perjury; therefore (ſays he) *if thou wou'dſt not be Perjured, do not uſe to ſwear.* And how can it be conſiſtent with Reaſon, that a Man who hourly provokes God by raſh and vain Swearing, ſhould boggle at a falſe Oath, whenever his Luſt, his Covetouſneſs, his Revenge, or his Ambition prompt him to it, and importunately demand to be gratified, though at ſo vaſt a Price? Beſides this, at how low a rate do they value their immortal Souls, who expoſe them to the Wrath of God and Eternal Damnation, by a Sin from which they cannot reap the leaſt Profit or Pleaſure? For, whereas the Covetous, the Revengeful, the Voluptuous, the Ambitious, nay, the Apoſtate himſelf, may at the Day of Judgment plead, (though even their Plea will be rejected as frivolous and inſufficient) the ſtrength of Temptation, and the irreſiſtable Violence of Fear, Anger, or Deſire; the common Swearer will have no pretence or excuſe to alledge in his behalf, but that which will heinouſly aggravate his Guilt, the inveteracy of an ill Habit, and the prevalency of Atheiſtical Examples. Since therefore every ſingle Act of this Sin, much more a daily repeated Cuſtom of it, is a direct contempt of the third Commandment (*Thou ſhalt not take the name of the Lord thy God in vain,*) and of the dreadful Penalty annexed to it; as likewiſe of that Expreſſion of our Saviour, (*By thy words thou ſhalt at the laſt day be juſtified, and by thy words thou ſhalt be condemned*). We may reaſonably conclude, without exceeding the Limits of Charity, that none who are habitually guilty of this Profaneneſs, can ſeriouſly believe and lay to heart the Principles of the Chriſtian, or even of Natural Religion, which ſo ſtrictly and poſitively forbids it. But there

Hierocles.

Exod. c. 20. v. 7.

St. Mat. c. 12. v. 37.

is

is no need at preſent to enlarge any farther on this Argument; for I hope, Gentlemen, I have ſaid enough to diſſwade you from conniving at the negligence of the under Officers, in puniſhing ſo enormous a Crime; for which the Land too juſtly mourns, and to which our Laws have affixed the following Penalty; namely, *Twelve Pence* [illegible] *for every profane Oath and Curſe.* The Forfeitures fall to the Poor of [illegible] the Pariſh where the Offence is committed, and the Offender is to be proſecuted within twenty days after; if the Oaths or Curſes are uttered in the hearing of any Juſtice of the Peace, there needs no farther Proof, but otherwiſe the Offence muſt be proved before any one Juſtice of the Peace, by the Oaths of two Witneſſes, or the Confeſſion of the Party Offending. In either of which Caſes, if the Penalty cannot be ſatisfied, by a Diſtreſs and Sale of the Offenders Goods, then every ſuch Offender, if above the Age of Twelve Years, muſt be ſet in the publick Stocks for the ſpace of three whole Hours, and all under that Age muſt be Whipped by the Conſtable, or the Parent, or the Maſter, in his Preſence. This Statute is ordered to be Read twice a Year in all Pariſh Churches, by the reſpective Miniſters on *Sunday* after Evening Service: Therefore, Gentlemen, you are to enquire whether this Act hath been ſo Read, and to preſent all Miniſters that have neglected it: For ſuch neglect, though there is no Penalty annexed to it, is yet a High Contempt of their Majeſties Laws, and Puniſhable in this Court.

2. Next to Profane Swearing and Curſing, we muſt conſider the Sin of Perjury and Subornation, which, as I before obſerv'd, does in a great Meaſure deduce its Original from, and owe its increaſe to the impious Cuſtom Men have taken up of interlarding their careleſs Talk, and even the common Civilities of Converſation with raſh and vain Oaths. But, Gentlemen, as the Sin of this is much greater, ſo are the Conſequences of it much more Pernicious to private Perſons, Families and Societies than thoſe of the other. It is an Offence both againſt Moral and Civil Juſtice; being a willful and deliberate Breach not only of the third Commandment, (*Thou ſhalt not take the Name of the Lord thy God in vain,*) but alſo of the Ninth: (*Thou ſhalt not bear falſe Witneſs againſt thy Neighbour;*) and the certain Conſequences of it are, the Oppreſſion, and ruine of innocent Perſons, who too often loſe their Exod. c. 20. v. 7. v. 16.

Lives, their Eſtates, and their good Names, and have Infamy and Beggary entail'd on their Poſterity by the falſe Atteſtations of perjured Raſcals. By theſe *Naboth* fell a Sacrifice to the Covetouſneſs of *Ahab*, and the Pride and Cruelty of *Jezabel*; and our Bleſſed Savi-our himſelf who had done nothing amiſs, *was numbred with the Tranſgreſſors*; the innocence and the uſefulneſs of his Life being too weak a Defence to preſerve him from the Malice of his Enemies, and from being condemned by a partial Judge upon the incoherent evidence of his perjured Accuſers. Nor can we, I hope, ſo ſoon forget, that among the many Bleſſings of the late Reign, we daily ſaw this Villainy boldly and triumphantly perpetrated. No Man who wiſht well either to the Church or the Laws of *England*, was ſafe from the informations of Mercenary Wretches: Fictitious Conſpiracies were every day hatched, and Judges and Juries were ſo corrupted, that the one gave their Opinions, and the other their Verdicts according to the Directions they received from Court; no Man was ſafe in his Innocence, nor ſecure in his Property; and Tryals and Proceedings which ſhould have been exactly Conſonant to Law and Reaſon, to Juſtice and Mercy, were become only a more Solemn and Ceremonious method of compleating our Ruine. It hath been thought an Offence againſt the very Law of Nations, to poiſon a Fountain of which even an Enemy was to drink. How great a Crime then muſt it be, and how near a kin to Sacrilege, to corrupt the Laws which are the very Fountains and Springs of Political Life? And to make thoſe the inſtruments of Oppreſſion and Wrong, which ſhould be our greateſt Security and Relief? And yet this was done by a Prince, to whom his Flatterers with a Folly and Impudence equally egregious, aſcribed the Sacred Epithete of *Juſt*; for whoſe return, ſeveral unnatural *Engliſhmen* ſo ardently pray, though the certain Conſequences of it muſt be the involving the Nation in Blood, and the entailing upon us Popery and Slavery, and giving a free inlet to all manner of Vice, Profaneneſs, and Immorality. But Providence hath been ſo mercifull, as to reject theſe inconſiderate Petitions; and to bleſs us with the continuance of the happieſt Government that ever Nation enjoy'd, and the beſt Governours that ever ſway'd a Scepter; whoſe Reign is as Glorious a Reverſe to the laſt, as *Trajan*'s to *Domitian*'s, *Conſtantine*'s to *Dioclefian*'s, or that of our Virgin Queen

1 King 21. v. 13.
St. Mark c. 15 v. 28.

Queen to the Tyranny and Perſecution of her bloody Siſter. Under their preſent Majeſties, the publick Perjury I have been ſpeaking of, is generouſly Diſcountenanced, and when Diſcovered, never fails of being puniſhed as ſeverely as our Laws will allow. But however, I am afraid, in private Cauſes, Perjury and Subornation do ſtill too much prevail to the utter ruine of whole Families; therefore for the preventing the deplorable Conſequences of ſo great a Villainy, and for the puniſhing all thoſe that ſhall be convicted of it, our Law declares, that whoſoever ſhall procure any Witneſs or Witneſſes, by Letters, Rewards, Promiſes, or by any other Siniſter means, (*which the Law calls Subornation*) to commit wilfull and corrupt Perjury in any Court, or before any Judge of Record, ſhall for every ſuch Offence forfeit the Summ of Forty Pounds, and for ever after be diſabled from being admitted as a Witneſs in any Caſe whatſoever. And as for the Perſon who is ſuborn'd, or, without Subornation, perjures himſelf as aforeſaid, he forfeits the Summ of Twenty Pounds, and is to ſuffer ſix Months Impriſonment without Bail, and to be for ever after diſcredited as a Witneſs: One Moiety of Penalties on this Act belong to the King and Queen, and the other is given to the Perſons aggriev'd, as a ſmall repriſal for the loſſes they ſuſtain by the Perjury. But in Caſe the Suborner be not able to pay the Forfeiture, he is to be Impriſoned without Bail for ſix Months, and to ſtand upon the Pillory: And the Perſon who is Suborned, or Perjured, is in caſe of the like diſability to have his Ears nail'd to the Pillory. Too ſmall a Puniſhment for ſo flagitious a Crime, and (as our Experience ſhews us) very inſufficient to reſtrain the Practice of it; while Petty Larcenies have a more infamous Brand ſet upon them, and ſeveral ſmall Robberies are puniſhable with Death; the perjured Perſon and the Suborner after all the miſchiefs he hath done, pays but a ſmall Fine out of his ill-gotten Store, ſuffers a ſhort Impriſonment, and a ſlight Diſgrace, and loſes only, what we cannot ſuppoſe he ever much valued, his Reputation; at leaſt any farther, than it might prove ſerviceable to his Villainous deſigns. But till our Repreſentatives ſhall think fit to provide a more effectual Remedy for this growing Evil, I muſt particularly recommend it to you, Gentlemen of the Jury, and earneſtly preſs you to put this Act in Execution, as far as in you lies; that is, by Inquiring, Preſenting and Indicting all Perſons who fall

Stat. 5. Eliz. c. 9.

under the Cenſures of it: For unleſs you do ſo, (as far as ſhall any ways come to your Knowledge) you break your own Promiſſory Oath; I mean, the Solemn Appeal you lately made to the God of Truth, who will not fail to avenge it on your Selves and your Families, and alſo involve your ſelves in the dreadful guilt of conniving at the Perjuries of others, and of abetting all the Injuries and Oppreſſions, that ſhall fall upon the Innocent, and which might have been prevented by a Vigorous and timely Proſecution. But, Gentlemen, I hope you do not think I miſtruſt your Integrity, or your Diligence, while I mind you of your Duty, and uſe the moſt perſwaſive Arguments that occurr, to preſs you to it, eſpecially in a Point ſo abſolutely neceſſary as this is. For, Gentlemen, you are to look upon all ſuch perjured Wretches not only as Robbers and Deſtroyers of private Perſons and their Families, but alſo as Traiterous Conſpirators againſt Humane Society. For what Methods can the Wiſdom of Men invent for the ending of Strife, and the deciſion of doubtfull Matters, if the Sacred Obligation of Oaths, to which even the Heathens had ſo tender a regard, proves ineffectual for this Purpoſe? And when Matters are come to this paſs, what can preſerve the World from falling into Confuſion? What can hinder Mankind (who are naturally ſo ſuſpicious of one another) from being reduced to that State of War, in which a late Philoſopher erroneouſly affirmed them to be originally Created, but an immediate interpoſition of the Divine Providence? For amongſt all the Inſtruments of Ruine and Miſchief that ever were deviſed, none is of more pernicious Conſequence to Humane Society, than Perjury and breach of Faith: According to the Obſervation of the Wiſeſt of Men. *A falſe Witneſs againſt his Neighbour is a Maul, and a Sword, and a ſharp Arrow*, a Peſtilence that uſually walketh in Darkneſs, and a ſecret Stab, and Blow againſt which many times there is no poſſibility of Defence. The ſerious Conſideration whereof made the *Pſalmiſt* cry out with ſo great earneſtneſs, as (God knows) we alſo have at this day very much Reaſon to do; *Help, Lord, for the Righteous Man ceaſeth, and the Faithful fail from among the Children of Men.*

Prov. c. 25. v. 18.

Pſal. 12. v. 1.

3. The third Immorality which is to be corrected, is the Profanation of the Lord's Day; and this is as notorious a Breach of the

Fourth

Fourth Commandment, as raſh and vain Oaths and Curſes are of the Third, and as Perjury and Subornation are both of that and of the Ninth; yet how generally this Sin alſo is practiſed, I am aſhamed to think. *Remember thou keep Holy the Sabbath Day*, were it not (as it moſt certainly is) a Divine Command; yet it is one of the moſt prudent and uſeful Conſtitutions that ever was made. For to ſpeak in the Words of an Eminent Prelate of our Church) to the keeping up the Religion of this day, we owe in a great meaſure that the very Face of Chriſtianity hath hitherto been preſerved among us And were it not for this, for any thing I know, moſt of us in a very few Years would become little better than Heathens and Barbarians. And ſo great an Influence towards the making Men better, or at leaſt keeping them from growing worſe, hath this Practice always had; that, you may obſerve, the moſt profligate Men among us, who for their Wickedneſs come to an untimely end, do generally impute their falling into thoſe Sins which cauſed their Death, to their breaking the Sabbath, as they commonly expreſs it.—— Thus far that Eminent Prelate.— 'Tis true, Gentlemen, there is a wide difference between the Jewiſh and the Chriſtian Sabbath; for though the Law of *Moſes* prohibited all manner of work to be done on that day, under the penalty of Death to the Children of *Iſrael*; (which was Executed on the Man who gathered Sticks on the Sabbath Day, for the ſupply of his Neceſſities;) yet our Bleſſed Saviour, who was the Lord of the Sabbath, wholly aboliſhed the Ceremonial part of this Law, (that being peculiarly appropriated to the Jewiſh Nation) and continued the Moral part of it in its full Force: Allowing, both by his Example, and by verbal Permiſſion, any work of Neceſſity or Charity to be done on that day.

Exod. 20. 7, 8, 9, 10, 11.

v. 16.

Arch-Bip. *Sharp's* Sermon *June* 28. 1691. p. 22. 23.

Exod. 31 v. 15, 16.

Num. c. 15 v. 36.

St. Mark c. 2. v. 29.

Thus Scripture and Reaſon teach us, and this likewiſe do the Laws of *England* permit; though at the ſame time, they are very ſtrict againſt all thoſe Profanations of the Lord's Day, which proceed either from Mens Covetouſneſs, or their Licentiouſneſs.

Thus all Carriers, Waggoners, Carters, Wain-men and Drovers are prohibited to Travel with any Horſe, Wagons, Carts, or Cattel on

Stat. 3 Ca. 1. c. 1.

on the Lord's Day, under the Penalty of forfeiting Twenty Shillings to the Poor of the Pariſh where the Offence ſhall be Committed: All Butchers that Kill or Sell, or cauſe to be Killed or Sold, any Meat on the Lord's Day, or are Privy or Conſenting to ſuch Slaughter or Sale, forfeit in like manner Six Shillings and Eight Pence for every Offence. The Offence muſt be proved before any one Juſtice of the Peace, by the Oaths of two Witneſſes, or by the Confeſſion of the Party, unleſs the Fact were done in the View of a Juſtice of the Peace, and then the Law requires no farther Proof. The Offenders muſt be Proſecuted within ſix Months after the Offence is committed; and the forfeitures are recoverable, either by Diſtreſs and Sale of the Offender's Goods, or by Bill, Plant, or Information Proſecuted at the Quarter Seſſions for the County. And where any Pariſh ſhall rather chuſe this laſt Method for recovering their Money, you muſt be ready, Gentlemen, on your Parts, as we ſhall be on Ours, to give all poſſible incouragement to theſe Proſecutions, unleſs they ſhall plainly appear to be Malicious. Nor, Gentlemen, are theſe the only Profanations of the Lord's Day, that our Laws take Cognizance of, but by a Statute of a latter Date: All Perſons that ſhall on the Lord's Day, or any part thereof, Sell or expoſe any thing to Sale, ſhall forfeit the Goods ſo ſold or expoſed to Sale, to the Poor of the Pariſh where the Offence is Committed. Thus alſo, whoſoever being of the Age of Fourteen Years or upwards, ſhall on the Lord's Day, or any part thereof, exerciſe any worldly Labour, Buſineſs, or Work of his ordinary Calling, ſhall in like manner forfeit for every Offence, the ſumm of Five Shillings.—— Thus all Drovers, Horſe-Courſers, Waggoners, Butchers, Higlers, or any of their Servants, who ſhall Travel or come into their Inn on the Lord's Day, or any part thereof, ſhall in like manner forfeit for every Offence the ſumm of Twenty Shillings. The Offences againſt this Act muſt be proſecuted within ten days after, and the View of a Juſtice of the Peace, the Oath of one Witneſs, or the Confeſſion of the Party Offending, made before any one Juſtice of the Peace, is a ſufficient Proof: And in Caſe (as it may ſometimes happen) the Offender hath no Goods to be Diſtrained and Sold, and is not able to pay theſe Forfeitures he is then to be ſet publickly in the Stocks by the ſpace of two Hours. And beſides theſe Penalties,

Stat. 29. Car. 2. c. 7.

this

this Statute exempts the Hundreds from answering the losses which may happen by Robbery, to those who Travel on the Lord's day; since such Journeys are not supposed to be undertaken out of necessity, but choice. —— Thus far our Laws restrain and punish those Profanations of the Lord's day, which a covetous desire of gain is apt to induce Men to. Nor is the penal Prohibition of those Disorders which proceed from an Irreligious Licentiousness, less severe: For to the end that these Profanations of the Lord's day, and the ill Consequences attending them, may be prevented, our Laws strictly prohibit all Meetings and Assemblies of People out of their own Parishes, and all concourse of them within their own Parishes, for all unlawful Sports and Pastimes under the Penalty of three Shilings and four Pence for every Offence, to be forfeited to the Poor of the Parish, where the Offence is committed; the Penalty is leviable by Distress and Sale of the Offender's Goods, and in default of sufficient Distress, the Offender is to be set publickly in the Stocks by the space of three Hours. The Prosecution must be within a Month after the Offence, and the Oath of one Witness, or the Confession of the Party, before any Justice of the Peace, or the View of any one Justice of the Peace, is a sufficient proof to convict the Offender. —— This was a good Law, but yet too liable to many Evasions and Abuses; therefore a farther provision hath since been made by a later Act: That all Persons shall, on every Lord's Day, exercise the Duties of Piety and true Religion, under the penalty of Five Shillings, in like manner forfeited to the Poor of the Parish for every Offence, which is to be prosecuted within ten Days after, and is proveable, as aforesaid, by one Witness upon Oath; and if the Offender be not able to satisfie the Penalty, then he must be set publickly in the Stocks, by the space of two Hours. And nothing can exempt any Man from falling under the Censures of this Act, but works of Necessity and Charity, which as I observed before, both Reason and Scripture allow of: For Sports and Pastimes, Revellings and Disorders, are certainly as inconsistent with the duty of the Day, as Buying, and Selling, or exercising any Trade or Calling.

Stat. 1. Car. 1. c. 1.

Stat. 29. Car. 2. c. 7.

The fourth Immorality which our Laws endeavour to suppress, is Drunkenness: A Vice on which one of our Statutes fixes this infamous Character; That it is Odious and Loathsom, that it is the Root and Foundation of Blood-shed, Stabbing, Murther, Swearing, Fornication, Adultery

Stat. 4. Jac. 1. c. 5.

Adultery and ſuch like enormous Sins, to the diſhonour of God, and of our Nation, the overthrow of many good Arts, and Manual Trades, the diſabling of divers Workmen, and the general Impoveriſhment of many good Subjects, abuſively waſting the good Creatures of God. This charge, though it may ſeem ſevere, yet is it, as our Experience informs us, a very true and lively Deſcription of the ſad Conſequences and Fatal Effects of this brutiſh Immorality. Therefore for the repreſſing this Vice, our Laws have provided a Puniſhment, not only for the Drunkards, but alſo for the Inn-keepers, & Victuallers, that Harbour, Entertain and Encourage them. For, as the Preamble to one of the Statutes relating to this matter informs us, The Ancient, True and Principal uſe of Inns, Ale-Houſes, and Victualling-Houſes is for the Receipt, Relief and Lodging of Travellers, and for ſupply of the wants of thoſe who are not able to Buy in their Proviſions of Meat and Drink by greater Quantities; but was never meant for Entertainment and Harbouring of Lewd and Idle People, to ſpend and conſume their Money and their Time in a Lewd and Drunken manner. Therefore for the reſtraining theſe Abuſes, and for the better repreſſing the vice of Drunkenneſs, every Taverner, Inn-keeper, Ale-houſe-keeper, or Victualler who ſhall ſuffer any Perſon to continue Tipling in his Houſe, and ſhall be thereof Convicted before any Juſtice of the Peace, by the Oath of one Witneſs, or by his own Confeſſion, or by the view of any Juſtice of the Peace, ſhall for every Offence forfeit Ten Shillings to the Poor of the Pariſh where the Offence is committed; the Penalty to be levied by Diſtreſs and Sale of the Offendor's Goods, and if there be not a ſufficient Diſtreſs to be found, then the Offender is to be committed to the Common Goal, till the Forfeitures be truly paid.

Stat. 1. Jac. 1. c. 9.

Stat. 4. Jac. 1. c. 5. Stat. 1. Car. 1. c. 4.

And if the Conſtables or Church-wardens (to whom the Warrant is directed) ſhall neglect their Duty in levying theſe Penalties by Diſtreſs and Sale as aforeſaid, or in default of ſuch Diſtreſs, ſhall not within twenty days next enſuing, certifie it to ſome Juſtice of the Peace, they ſhall ſeverally forfeit for every Offence the Summ of Forty Shillings, recoverable in like manner as is before mentioned. Beſides this Penalty of Ten Shillings, the Ale-houſe-keeper who ſhall be lawfully Convicted of the aforeſaid Offence, is diſabled to keep an Ale-houſe for three Years after ſuch Conviction; and if he does, he falls under the Penalties

Stat. 7. Jac. 1. c. 10.

Penalties of keeping an Unlicenſed Ale-houſe. And as this reſtraint is laid on Inn-keepers and Victuallers, ſo likewiſe there is a Puniſhment appointed for thoſe that ſhall be guilty of the Sin of Drunkenneſs; who being thereof convicted as is above mentioned by the Oath of one Witneſs, ſhall for every ſuch Offence pay 5 *s.* to the Poor of the Pariſh, where the Offence is committed; and if there is no Diſtreſs to be found, and they are not able to pay, then they muſt be ſet publickly in the Stocks by the ſpace of ſix Hours. And if the Conſtable, or other inferior Officer ſhall be found to be remiſs in Executing this Law, then he is to forfeit 10 *s.* in the like manner, and to the like uſes.— There is alſo the Penalty of 3 *s.* and 4 *d.* for every Offence, or (in caſe there be no Diſtreſs to be had) 4 Hours ſitting in the Stocks is impoſed on every one who ſhall be found or can be proved (in the manner of proof abovementioned) to continue Tipling in any Publick-Houſe. And ſo highly does our Law deteſt this Immorality, that whoſoever ſhall be a ſecond time Convicted of Drunkenneſs, is to be bound to their Majeſties (with two ſufficient Sureties) in a Recognizance of 10 *l.* Penalty for his good Behaviour. Thoſe who are guilty of Drunkenneſs or Tipling, are not puniſhable, unleſs they are proſecuted within ſix Months after the Offence is committed; but as to Inn-keepers, Ale-houſe-keepers and Victuallers, who incurr the Penalties of theſe Laws, there is no time limited for their Proſecution.

Stat. 21. Jac 8. c. 7

Gentlemen, the Offences againſt theſe Statutes concerning Drunkenneſs and diſorders in Ale-houſes, are to be diligently enquired into, and duely preſented at every Quarter Seſſions; as likewiſe are all defaults of Under-Officers, in conniving at them, and neglecting to bring them to condign Puniſhment: I doubt not but you will do your parts in it, and you may aſſure your ſelves, we ſhall deal with them as ſeverely as the Law will allow us. You are likewiſe to enquire and preſent all Perſons who preſume to keep Ale-houſes without a Licenſe from the Juſtices of the Peace, that they may undergo the Pains and Penalties appointed by Law.

Stat. 3. Car. 1. c. 3.

Gentlemen, in the next place, all notorious Adulterers, and Fornicators, Bawds, and Whores, and all Maſters, and Miſtreſſes of thoſe infamous Houſes, that Harbour and Incourage them, fall under the Cognizance and Cenſure of the Law. And ſince I cannot ſay there is al-

ready ſo ſufficient a proviſion made for the puniſhing and preventing the increaſe of ſo ſcandalous a Debauchery, which is a (deliberate and
Exod. c. 20. v. 14. preſumptuous Violation of the 7th Commandment) as all good Men wiſh to ſee; yet (beſides the Cenſures of the Spiritual Courts, which are very ſeldom exerted on theſe Occaſions, unleſs they have the Proſpect of a tedious and expenſive Suit) we can inflict ſome Puniſhments upon them.
Dalton c. 124. S. 3. For Bawdery is an offence Temporal, as well as Spiritual, and is againſt the Peace of the Land; therefore, Gentlemen, you are to take care to enquire and preſent all ſuch Perſons, who being duly convicted before us, ſhall ſuffer the utmoſt Severities the Law will allow of. And I think
Stat. 7. Jac. 3. c. 4. I ſhall not ſtrain the Senſe of the Statute, if I comprehend all the above-mentioned Offenders under the Notion of Idle and Diſorderly Perſons; to whom any two or more Juſtices of the Peace (but moſt properly the Majority of them in their Quarter Seſſions) may aſſign a ſevere puniſhment and hard Labour in the Houſe of Correction, for ſo long time as ſhall be thought neceſſary for their Chaſtiſement and Reformation; and for deterring others from following ſuch pernicious Examples. And as for thoſe keepers of publick Houſes, who, contrary to their Licences, maintain, harbour, and abett theſe Diſorders, (whereby the Youth of the Nation are corrupted, and rendred unfit to ſerve their Country;) upon your preſentment of them, we will take care not only to puniſh them as ſeverely as we may by Fine and Impriſonment, but alſo to ſuppreſs them, and to have the forfeitures of their Recognizances eſtreated into the Exchequer: as ſhall likewiſe be done to thoſe who ſuffer in their Houſes irregularities of any other Nature, as Drunkenneſs, the Profanation of the Lord's day, and the like, of which I have before ſpoken. And Gentlemen, to ſum up all that I have to ſay upon this Head, you are to con-
1 Cor. c. 10. v. 8. ſider, That Adultery and Fornication are ſins ſo abominable in the Eyes of God, that as a puniſhment for it, 23000 of the *Iſraelites*, who were ſeduced into theſe Impurities by the Daughters of *Moab*, fell in one day of a Plague inflicted on them by an immediate Vengeance from Heaven. Therefore, Gentlemen, for the averting God's Wrath from us, we are all concerned in our ſeveral Stations, to puniſh and repreſs theſe Vices as *Phinehas* did, without reſpect of Perſons; ſuch only, I mean, as are liable to our Cenſure. Beſides, theſe Crimes which are ſo frequently and ſo impudently perpetrated, there are ſome others alſo which may not improperly be ranked among the offences againſt Moral Juſtice.

Juſtice. But, Gentlemen, the proof of ſome of them is ſo difficult, and they are ſo ſeldom practiſed, that I ſhall but juſt put you in mind of them, and that you are to enquire and preſent all Perſons that have invocated, entertained or employed any wicked Spirit, or have uſed any Witchcraft, Charm, or Sorcery; this is a ſin of a very deep die, being directly againſt the firſt Commandment and is puniſhed with Death both by the Law of God, and by a Statute made in the firſt Year of King *James* the Firſt; but it is ſo hard a matter to have full proof brought of it, that no Jury can be too cautious and tender in a proſecution of this Nature. However, where the Evidence is clear and undeniable, you muſt proceed according to your Oaths. Exod. c. 20. v. 3. Stat. 1. Jac. 1. c. 2

You are alſo to enquire and preſent all Perſons that have depraved the Sacrament of the Body and Blood of our Bleſſed Lord and Saviour, either by word of Mouth, or otherwiſe; who being convicted ſhall ſuffer Impriſonment, and make Fine and Ranſom at the King's Will and Pleaſure if they be proſecuted within three Months after the Offence is committed. Stat. 1 Ed. 6. c. 1.

You are alſo to enquire if any Perſon hath Depraved, Deſpiſed, or Derogated from the Book of Common-Prayer, by any Enterludes, Plays, Songs, Rhimes or other open Words; or hath compelled any Miniſter to uſe any other form of Worſhip; for in this Caſe the Offender that is guilty of ſo great an Irreverence to God, and diſreſpect to the Government, both in Church and State, ſhall for the firſt Offence forfeit to their Majeſties 100 Marks, for the ſecond Offence 400 Marks, and for the third Offence, all his Goods and Chattels, and ſhall ſuffer Impriſonment during Life. Stat. 1. Eliz. c. 2.

You are alſo to enquire if any Rector or Vicar (who keeps a Curate) hath neglected once in a Month to read the Common-Prayer in his Pariſh Church; for all Incumbents guilty of this Neglect, ſhall upon complaint made on Oath, by two credible Witneſſes, before two Juſtices of the Peace of the ſaid County, forfeit to the Poor of that Pariſh 5 pounds a Month; and if the Penalty be not paid in ten days after ſuch Conviction, then his Goods are to be Diſtrained and Sold for that purpoſe, by a Warrant from the ſaid Juſtices. Laſtly, you are to enquire, if any Perſon have maliciouſly Struck, or drawn any Weapon in any Church or Church-yard, to the intent to ſtrike another, the Offender who is Convicted hereof, ſhall have one of his Ears cut off; and if he Stat. 14. Car. 2. c. 4. Stat. 5. and 6. Ed. 6. c. 4.

have no Ear, then he ſhall be markt in the Cheek with the Letter F, in token of a Fray-maker; and the Law reputes it to be ſo ungodly and irreligious an Action, that all perſons guilty of it, are declared to be *Ipſo Facto* Excommunicated, which is the higheſt Cenſure and Penalty the Chriſtian Church can inflict.

I have now, Gentlemen, gone through the firſt part of my Charge, I have not knowingly omitted any point that is Material, and as for ſmaller Defects, I doubt not but your Experience in the Proceedings of this Court will fully ſupply them. If the time would allow me, I ſhould in the next place urge you to exert your utmoſt Vigour and Diligence in puniſhing and putting a ſtop to thoſe Violations of Moral Juſtice, which are ſo notoriouſly prevalent among us, and which (unleſs they are ſpeedily reformed by a due ſeverity) ſeem to threaten us with extraordinary puniſhments from Heaven, by repreſenting to you at large the weighty and indiſpenſable Obligations that lie upon you to do your parts towards the promoting ſo good a Work. But I hope it will be ſufficient to hint to you theſe three Conſiderations, *viz.* 1. That you are Men and Chriſtians. 2. That you are Engliſhmen, and (I hope) all of you well wiſhers to the preſent Government. 3. That you have bound your ſelves by a Solemn Oath, impartially to enquire and preſent thoſe who are guilty of theſe ſcandalous Debaucheries; and thoſe Petty Conſtables, Headboroughs, and other Under Officers, who by their Neglect and Connivance, without any regard to their Duty, or their Oaths, have encouraged theſe Vices; or have made defaults in any other things that relate to their reſpective Offices. Gentlemen, if I had time, I ſhould enlarge on every one of theſe three particulars.—But I aſſure my ſelf, your own Conſcience will preſs theſe thoughts home to you; and I doubt not but we ſhall find by your preſentments, that you have a well-grounded Zeal for the Glory and Honour of God, a true Love to your Country, and a ſincere and affectionate Loyalty to their preſent Majeſties King *William* and Queen *Mary* (upon whom next under God, our ſafety wholly depends) and a tender and conſcientious regard to the ſacred Obligation of an Oath; which being a Solemn Appeal to the Almighty and All-knowing Judge, and Avenger of all Falſhood and Unrighteouſneſs, will, if not faithfully performed, entail God's curſe on your ſelves and your Families; according to that of the Prophet *Zachary*, *A Curſe ſhall enter into the Houſe of him that ſweareth falſly by the Name of God.*

Zach. c. 5. v. 4.

Gentle-

Gentlemen, I ſhall now proceed to the ſecond part of my Charge; which comprehends all offences againſt Civil Juſtice. This is a Subject ſo Copious, that (having detained you ſo long in the former part of my Charge) the time will not permit me fully to declare to you every particular Offence within the compaſs of our Commiſſion and of your Cognizance. Therefore, Gentlemen, you are to expect only a ſhort Summary of the moſt material Points of your Duty; in drawing up of which if I am leſs exact than is uſual, I hope you will impute it to my want of Skill in theſe Affairs; and to my Diſability (which makes it ſelf every way too apparent) worthily to execute this important Office, with which my Brethren, who are all of them much fitter for it, have been pleaſed to Honour me.

Civil Juſtice is a Vertue of a very large extent; for thereby we are obliged even by Natural Religion to deal with all Men as we would be willing, were we in their Circumſtances, and they in Ours, they ſhould deal with us. And if this is a debt we owe to all Men, then certainly our own Country-men, who enjoy the ſame common benefits of Security and Protection, may much more expect it from us. And to this end that the Rich and the Poor may be equally ſafe in what is their own, the Laws have not only declared what that is, but have alſo appointed Puniſhments for thoſe that ſhall tranſgreſs theſe Limits and invade any other Man's Property. Now, Gentlemen, thoſe Perſons who may legally claim this Juſtice at our Hands, or in caſe it be refuſed them, may appeal to the Law for ſatisfaction for the injury, are either our Superiors or our fellow Subjects. To the former, namely, our Parents, whether Political or Natural, we are obliged by the fifth Commandment to pay Obedience, Tribute, Reverence and Honour; to the latter, namely, our fellow Subjects, we are obliged by the Eighth Commandment to render whatſoever is by Law due unto them; and when by Force or Fraud we take or detain from them any of their Legal Rights, we are guilty of Theft. But to proceed: Of Governours and Magiſtrates, there are two ſorts,—— Supreme and Subordinate.—— By the Supreme Magiſtrate, you know, none can be meant beſides our Sovereign Lord and Lady the King and Queen; againſt whom the Offences which you are to enquire of, and preſent, are High-Treaſons, *Præmunire's*, and Miſpriſions of Treaſon.

St. Matt. c. 7. v. 12.

Exod. 20. v. 12. v. 15.

High-

Stat. 25 Ed. 3. High Treaſon is a Crime puniſhable with Death; and whoever compaſſeth or imagineth the death of the King or Queen, and declares it by ſome Overt Act, whoever levyeth War againſt the King, whoever Stat. 1. Mar. c. 6. ſhall counterfeit the King, or Queen Regnants Great Seal, Sign Manual, Privy Signet, or Privy Seal; whoever ſhall counterfeit the Coyn of this Realm, or any other Coyn permitted by the King's conſent to be current in this Kingdom; or whoever ſhall bring over from beyond Stat. 1. and 2. P. & M. c. 11. the Seas any counterfeit Coyn, knowing it to be falſe, and ſhall make payment thereof, in deceit of the King and his People, or ſhall clip, impair, or falſifie any ſuch Coin as aforeſaid; or whoever ſhall obtain or receive from the Biſhop of *Rome*, or any Authority of that See, any Stat. 13. Eliz c. 2. Bull, Writing, or Inſtrument Written or Printed, or ſhall Uſe, Pub- Stat. 18. Eiz. c. 1. liſh, or put it in Ure, or ſhall be recenciled to the Biſhop or See of *Rome*, by virtue of any ſuch Bull; or ſhall perſwade any Perſon to be reconciled by vertue of ſuch Bull, or ſhall abett, or conceal ſuch Offenders, and Stat. 23. Eliz. c. 1. Offences; or whoever ſhall by any other ways or means withdraw, or endeavour to withdraw, any to the Romiſh Religion, or whoever ſhall be ſo withdrawn, or whoever being a Jeſuit, Seminary Prieſt, or any o- Stat. 3. Jac. 1. c. 4. ther Prieſt, Deacon, Religious or Eccleſiaſtical Perſon of the Church of *Rome*, and being a Native of this Realm, ſhall come hither, or into a- Stat 3. and 4. Guil. and Mar. ny of their Majeſties Dominions; or laſtly, whoſoever during the Preſent War with the *French* King, ſhall Send, Load, Tranſport, or Deliver, or cauſe to be Sent, Laden, Tranſported, or Delivered, for the uſe of the ſaid *French* King, or any of his Subjects reſiding in any part of his Dominions, or in any place in his Poſſeſſion, any Arms, Ordnance, Powder, Bullets, Pitch, Tarr, Hemp, Maſts, Cordage, Iron, Coals, Lead, or Salt-Peter; or whoever of their Majeſties Subjects ſhall without Licenſe from their Majeſties voluntarily go or repair, or imbark in any Veſſel with an intent to go into *France*, or any Dominions of the *French* King. Whoſoever, Gentlemen, commits any of the Facts abovementioned, and all their Aiders, Abetters, Counſellors, and Maintainers are guilty of High-Treaſon. And by the Statute of the 25th of *Edw.* the 3d. it is likewiſe High-Treaſon to kill the Chancellor, Treaſurer, or any of the Juſtices Aſſigned to hear and determine, being in their Places doing their Offices. All theſe Facts, Gentlemen, are High-Treaſon, and you are to enquire and preſent them. In the next place, Gentlemen, you are to enquire of ſuch Of-

Offences againſt the King and Queen, which fall within the Statutes of *Præmunire*'s. This Law was made to preſerve the Crown of *England*, from the Papal Incroachments and Uſurpations, and to prevent Foreign Appeals in Caſes determinable in the King's Courts. So jealous were our wiſe Anceſtors of the freedom and independancy of the Regal Power, and of their own Liberties, that near two Hundred Years before the Reformation, in the darkeſt times of Popery, there was no leſs a Penalty than being put out of the King's Protection, being fined at the King's Pleaſure, and being impriſoned without Bail till that Fine ſhould be paid, and their Lands, Goods, and Poſſeſſions forfeited to the King, unleſs they ſhould come in and receive their Tryal within two Months after Summons; no leſs a Penalty (I ſay) than this was provided for all ſuch as ſhould Sue to any Foreign Court, or to any Spiritual Court within this Realm, to defeat or impeach the Judgment given in the King's Court; as alſo for all ſuch as ſhould on this account, purchaſe or purſue (in the Court of *Rome* or elſewhere) any Excommunication, Bull, or other Inſtrument againſt the King, his Crown, or Realm; or ſhould bring, receive, notifie, or execute them here in *England*; and for all their Procurers, Maintainers, Abetters, and Counſellors. For in Treaſons, Murthers, and *Præmunire*'s; all the Offenders are Principals, and are ſo puniſhable. It would be too tedious, Gentlemen, to recite to you the ſeveral Statutes that have been made (eſpecially ſince the Reformation) cancerning *Præmunire*'s. It is enough to inform you in the General, that they are moſtly levell'd at Popiſh Recuſants, and at ſuch as by word of Mouth or Writing, ſhall defend the Authority that the Pope or any Foreign Prince may pretend to have over the King, and People of *England*. And Gentlemen, I muſt not omit taking notice to you, that an Act made in the laſt Seſſions of Parliament, Entituled, *An Act againſt Correſponding with their Majeſties Enemies*, Declares, That if any Perſon during the preſent War with the *French* King, ſhall Send, Load, Tranſport, or Deliver, or cauſe to be Sent, Laden, Tranſported, or Delivered for the uſe of the ſaid *French* King, or any of his Subjects reſiding in any part of his Dominions, or in any place in his Poſſeſſion, any Goods, Merchandizes, Wares, or Commodities, ſhall incurr the Pain and Forfeiture of a *Præmunire*. This Act is ſo exceeding uſeful for the Nation in this preſent juncture, that

Stat. 27. E. 3. c. 1.

Stat. 16. R. 2. c. 5.

Stat. 3. and 4. Guil. and Mar.

I

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Stat. 1. Mar. c. 6.

Stat. 1. and 2. P. & M. c. 11.

Stat. 13. Eliz c. 2. Stat. 18. Eiz. c. 1.

Stat. 23. Eliz. c. 1.

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Offences againſt the King and Queen, which fall within the Statutes of *Præmunire's*. This Law was made to preſerve the Crown of *England*, from the Papal Incroachments and Uſurpations, and to prevent Foreign Appeals in Caſes determinable in the King's Courts. So jealous were our wiſe Anceſtors of the freedom and independancy of the Regal Power, and of their own Liberties, that near two Hundred Years before the Reformation, in the darkeſt times of Popery, there was no leſs a Penalty than being put out of the King's Protection, being fined at the King's Pleaſure, and being impriſoned without Bail till that Fine ſhould be paid, and their Lands, Goods, and Poſſeſſions forfeited to the King, unleſs they ſhould come in and receive their Tryal within two Months after Summons; no leſs a Penalty (I ſay) than this was provided for all ſuch as ſhould Sue to any Foreign Court, or to any Spiritual Court within this Realm, to defeat or impeach the Judgment given in the King's Court; as alſo for all ſuch as ſhould on this account, purchaſe or purſue (in the Court of *Rome* or elſewhere) any Excommunication, Bull, or other Inſtrument againſt the King, his Crown, or Realm; or ſhould bring, receive, notifie, or execute them here in *England*; and for all their Procurers, Maintainers, Abetters, and Counſellors. For in Treaſons, Murthers, and *Præmunire's*; all the Offenders are Principals, and are ſo puniſhable. It would be too tedious, Gentlemen, to recite to you the ſeveral Statutes that have been made (eſpecially ſince the Reformation) cancerning *Præmunire's*. It is enough to inform you in the General, that they are moſtly levell'd at Popiſh Recuſants, and at ſuch as by word of Mouth or Writing, ſhall defend the Authority that the Pope or any Foreign Prince may pretend to have over the King, and People of *England*. And Gentlemen, I muſt not omit taking notice to you, that an Act made in the laſt Seſſions of Parliament, Entituled, *An Act againſt Correſponding with their Majeſties Enemies*, Declares, That if any Perſon during the preſent War with the *French* King, ſhall Send, Load, Tranſport, or Deliver, or cauſe to be Sent, Laden, Tranſported, or Delivered for the uſe of the ſaid *French* King, or any of his Subjects reſiding in any part of his Dominions, or in any place in his Poſſeſſion, any Goods, Merchandizes, Wares, or Commodities, ſhall incurr the Pain and Forfeiture of a *Præmunire*. This Act is ſo exceeding uſeful for the Nation in this preſent juncture, that

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I muſt particularly recommend it to you diligently to enquire and preſent all Offenders againſt it. In the next place, Gentlemen, you are to enquire and preſent all Miſpriſions of Treaſon; which Word
Dalton c. 141. ſignifieth in our Law, Negligence, or Overſight, in not revealing to the King, his Council, or ſome Magiſtrate, a Treaſon which any Man knows to be committed, or about to be committed; for it is a high Crime, and the Conſequences may be very dangerous, for any one though not conſenting to it, (for that comes within the Statutes of Treaſons) to conceal ſo Capital an Offence. Therefore, for Miſpriſion of Treaſon, the Offender ſhall forfeit to the King his Goods, and Chattels for ever, and the profits of his Lands, during his Life, and alſo ſhall be impriſoned during his Life. And (Gentlemen) now I am diſcourſing to you concerning ſuch Offences as do moſt immediately ſtrike at the Perſons and Government of the King and Queen, I muſt take notice to you of three ſorts of Men, of whom we have at this time no ſmall Reaſon to be Apprehenſive, and they are theſe; Popiſh Recuſants, Proteſtant Recuſants, and Proteſtants who though they have taken the Oaths to their preſent Majeſties, and enjoy the Benefit of their Protection, do yet make it their buſineſs to libel and cenſure the Government, and in their Words and daily Behaviour, ſhew themſelves diſaffected, and to give them their due Character, are but one Degree from Traytors. By Popiſh Recuſants, I mean thoſe Subjects of *England*, who divide their Allegiance between the King and the Biſhop of *Rome*, whom they look upon as Chriſt's Vicar on Earth, and of whoſe Church and Communion they are. On this Account they refuſe to take the Oath of Supremacy (which excludes the Pope's Power in ſpiritual Matters) to any Prince, though of their Perſwaſion; and if the Pope interpoſes his Authority in Excommunicating or depoſing any Proteſtant Prince, whom out of their Catholick Charity they are pleaſed to call Hereticks,) they fail not when an Opportunity offers to riſe in Rebellion againſt them, and (as they did in Queen *Elizabeth*'s Time) to join with any Foreigner, whom the Pope Commiſſions to invade their Native Country, and reduce it to an *Italian*, a *Spaniſh*, or which is worſt of all, a *French* Slavery. How much their Loyalty is to be relyed on, their Principles and their Practices, eſpecially in the Reigns of that Glorious Queen, and her peaceful Succeſſor, do abundantly teſtifie; and I hope, while the

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Spaniſh Invaſion, and the Gun-powder Treaſon, continue recorded in our Hiſtory as undeniable matters of Fact, while Papiſts deſervedly lie under an Excluſion from all Offices of Truſt and Profit, and even from the Privilege of Voting in Parliament as Peers, which ſome Mercenary Time-ſervers in the late Reign were pleaſed to call their Natural Birth-Right, and inſeparable from their Perſons; while, I ſay, theſe things remain as they are, and while we remember (as I hope we always ſhall) the great dangers the Church and Nation were lately in by the bigotted zeal of a Popiſh Prince, and the inveterate Malice of the Roman Catholicks then armed with Power, I hope we ſhall not fail on all Occaſions, but eſpecially at this time, to have a watchful Eye over their Conduct. All the Mercies our preſent King hath extended to them both here and in *Ireland*, (Mercies to be parallel'd by none but thoſe of the Almighty!) cannot yet unhinge them from their dependance upon *France*, and their Subjection to *Rome*, nor put an end to their vain Expectations of ſeeing our preſent happy ſettlement wholly unravelled, and their own Religion again eſtabliſh'd, and ours utterly extirpated by the victorious return (which they wiſh for, and we all deprecate) of the late King, and his pretended Son. Therefore ſince nothing will make them Friends to this Government, Prudence directs us to uſe the beſt Caution we can againſt their Helliſh Deſigns; and ſince there are many good Laws in Force againſt them, there is great Reaſon that they ſuffer thoſe Penalties, (eſpecially ſuch of them as ſtand out in defyance to the Government) that are provided for them. And Gentlemen, it is your Buſineſs to enquire and preſent all Popiſh Recuſants, and I doubt not but you will expreſs your Affection to the Government, by doing your Duty in this Particular.

By Proteſtant Recuſants, I mean thoſe Proteſtant Subjects of *England*, who refuſe to take the Oaths of Allegiance and Supremacy to the preſent King and Queen. It may, I confeſs, ſeem a Paradox, that notwithſtanding the many Calamities we felt in the Late Reign, and thoſe more grievous ones we daily expected, when the making and repealing of Laws, ſhould have been in the Power of a pack'd Parliament, and when the protection of our Religion, the defence of our Rights, the diſpoſal of our Lives, Liberties and Eſtates; and in a word, the Adminiſtration of Juſtice, ſhould have been entirely committed to a *French* and *Iriſh* Army, and to a Cabinet-Council of Jeſuits; notwithſtanding this gloomy Proſpect, which reduced us even to the Brink of Deſpair;

notwithſtanding the Miraculous deliverance out of theſe Extremities, that the Divine Providence afforded us at the critical inſtant, notwithſtanding thoſe returns of Gratitude which we owe to God the Author, and to our preſent King, the ſucceſsful Inſtrument of ſo great a Mercy; notwithſtanding, the late King's refuſal to do his Subjects that Juſtice which his Coronation Oath obliged him to, and which the Prince, out of great kindneſs to this Nation, at a vaſt Expence, and an inexpreſſible hazard to his own Perſon, came over to demand, notwithſtanding the Late King's Voluntary Deſertion, his throwing up the Reins of Government, and leaving us in a ſtate of Anarchy and Confuſion, notwithſtanding the calm, deliberate and free Proceedings in Calling, Chuſing, and Convening our Repreſentatives, notwithſtanding the Regular and conſiderate Methods that wiſe Aſſembly follow'd, in determining the great Point of the Abdication, and placing their preſent Sacred Majeſties in the vacant Throne, notwithſtanding the manifeſt Reaſon all private Men have in ſuch Caſes to ſubmit their own Opinions to the Publick Deciſion of ſo Auguſt a Body, notwithſtanding the many Dangers and Difficultie, Fatigues and Hazards, the indefatigable Labour, and inceſſant Diligence, and anxious Cares which have ever ſince that time deny'd his Majeſty that Eaſe, Repoſe, and Comfort, which the meaneſt Man here enjoys; notwithſtanding all this was undertaken merely for our Benefit and Safety, Peace and Preſervation, (for excepting our Saviour, and the Bl. Martyr K. *Charles* I. never did any Prince wear a Crown ſo full of Thorns) notwithſtanding (I ſay) the King's Perſonal Merits (which without Flattery I ſpeak it) deſerve an Univerſal Empire upon Earth, and doubtleſs will be rewarded hereafter with one of the brighteſt Crowns in Heaven, notwithſtanding all this, and much more which I could add, would the time permit me, it may (I ſay) ſeem a Paradox, but yet, 'tis too notorious that there are ſome Proteſtant Recuſants, who will not be perſwaded they owe any Allegiance or Duty to this Prince. His Royal Endowments and Accompliſhments ſhine ſo bright, that as much his Enemies as they are, they are forced to acknowledge that he poſſeſſes them in the higheſt Degree, and though they cannot love, they muſt admire him for them. But all this while they think him an Intruder on the Rights of another, and ſome of them are ſo bold as to call his Glorious Reign a Proſperous Uſurpation, and not a whit more to be juſtified than that execrable one of *Cromwell*. I have not time, nor is it my Buſineſs

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at preſent, nor indeed is there any need of it after ſo many excellent Treatiſes have been written upon the Subject, to argue in defence of the Revolution and the preſent Settlement of the Nation. Thoſe that are its Friends require no farther Satisfaction, and thoſe that are its Enemies are reſolved to continue ſo, though its Advocates had the Energy and Eloquence of Angels. Some of them indeed (but how few are they!) I am ſo charitable as to believe cannot comply with this Government out of an Error of their Underſtandings, rather than a perverſe Obſtinacy of their Will, and thoſe who are ſo unhappy as to be under this miſtake, form no Cabals againſt the Government, encourage no ſeditious Conventicles, ſend no traiterous Embaſſies to *France*, offer no incenſe of Flattery to that proud Tyrant, make no publick Aſſignations for Rioting and Debauchery on ſuch Days as their Majeſties appoint for a National Humiliation; nor in a word, make it more their Buſineſs to incenſe the People againſt the preſent Government, and to involve us in the Calamities of a Civil-War, that we may be the eaſier Prey to the great *Leviathan* of *Europe*, than to keep a Conſcience void of Offence towards God and towards Men. This (Gentlemen) Acts 4 v. 16. is the Character of ſuch a Jacobite, (for in that Title the whole Party pride themſelves) as is not dangerous; he conſiders himſelf as an Engliſhman and a Chriſtian, and though his Conſcience (being miſinformed) will not permit him to be actively ſerviceable for the Government; yet he looks on this Scene of Affairs to be much more Eligible than the laſt, and thinks it an unpardonable ingratitude to a Proteſtant Prince and Princeſs, whom he cannot but highly eſteem (as the only refuge for all the reformed Churches) to Sacrifice not only them, and his own Country, but alſo all *Europe* to an Opinion which Nineteen parts in Twenty of the moſt Learned and Pious Men in the Nation reject, and almoſt all the Princes and States in Chriſtendom diſallow, and which if it could univerſally prevail, would only make his Ruine the more tolerable, becauſe he ſhould have ſo many Millions of Companions in his Misfortune. To ſuch a Man as this, (if any ſuch can be found (I can truly ſay as the *Roman* Orator did of himſelf upon another Occaſion, *Me natura Miſericordem, patria ſeverum; crudelem nec patria nec natura eſſe voluit.* My Nature inclines me to be Compaſſionate; a hearty Zeal for our Religion, and Concernment for the publick Welfare of my Country may perhaps have made me a little ſevere, but neither my Natural Diſpoſition, nor the Temper of

the *Engliſh* Nation, nor the Genius of the Proteſtant, that is, the true Chriſtian Religion, will allow me to be cruel. And indeed if the Honour and Safety of the Government would allow it, for my own part, the moſt impudent and inveterate of the Factious Crew ſhould be quietly permitted to ſpit their Venom, and to ruine their own Cauſe (as they will at laſt) by their fooliſh and indiſcreet Management. But a Government legally eſtabliſhed and regularly adminiſtred (as ours is) muſt not tamely ſuffer the inſults of a few Pedants and Mechanicks; ſuch as thoſe whom neither Prudence nor Modeſty will reſtrain within the Limits of their Duty, muſt be taught it by the ſevere Diſcipline of the Law. Therefore, Gentlemen, it is your Buſineſs diligently to enquire and duly to preſent all ſuch diſaffected and ſeditious Perſons, and we will take care to ſee them puniſh'd according to the utmoſt rigour of the Law. But, Gentlemen, after all that I have ſaid of the Popiſh Recuſants, and of the Proteſtants who are diſaffected to this Government, and will not take the Oaths; both theſe we may look upon as our Friends and Adherents, if we compare their Character with that of thoſe Proteſtants, who ſwear Allegiance to their Majeſties, only that they may worm themſelves into Places of Truſt and Power, and ſo have the better Opportunity to betray us. When an Enemy declares he will ſeek our Ruine, Self-preſervation prompts us to be upon our Guard, and to make Preparations for our own Defence: But what way is there to keep our ſelves from being deſtroyed, when the plauſible diſguiſe of Friendſhip, hides the ſnare from our Sight, till our Experience tells us, it is impoſſible to recover our Fall? It would ſeem a high Degree of ill Nature to ſuſpect thoſe of Treachery, who confirm all their Proteſtations of Sincerity by the ſacred Bond of an Oath; and indeed in ſuch a Caſe one ought not to
1 Cor. c. 13. v. 5. be too ready to ſuſpect, for Chriſtian Charity thinketh no Evil; but yet when Men's Diſcourſe, Actions, and Behaviour, ſhew the ſecret
St. Matth. c. 7. v. 20. Inclinations of their Hearts, we may then judge of the Tree by its Fruits. When Men who have taken the Oaths to the Preſent King and Queen, and perhaps by that means enjoy ſome Office of Truſt under the Government, nay perhaps, when they ſtand in Competition with a Man more truly and ſincerely Loyal, and carry their Point againſt him, either by Force, or Fraud, Bribery, or ſome other Artifices, too mean for the Spirit of an *Engliſh* Gentleman, to ſtoop to: When I ſay, ſuch Men as theſe, ſhall take (nay ſeek) all occaſions to magnifie

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the Grandeur, and the Power, the Courage, the Juſtice, and the Policy of the *French* Monarch, to envy the Happineſs of his Subjects, and to applaud the vaſt extent of his Conqueſts, to rejoyce at every ſmall Advantage he gains over us, to wiſh every Merchant Ship that is outward or homewards Bound may fall into his Hands, to aggravate our Loſſes and detract from our Victories, as if the one were irreparable and the other not worth taking Notice of, to repine at our Plenty, and to murmur at our Taxes, which yet are light Burthens in Compariſon of thoſe our Neighbours at this time bear, to cenſure the moſt juſtifiable Proceedings of this Reign, and to palliate the moſt enormous exceſſes of the Laſt, to triumph at *Tourville*'s burning a ſmall Village on the Weſtern Coaſt, and doing ſome ſmall Damage to our Fleet, and to be ſtruck with Surprize and Melancholy at the King's Victory at the *Boyne*.

When, I ſay, Men's Actions are ſo contrary to their Profeſſions; what can we think of them but that they are the moſt egregious Hypocrites in Nature, a ſcandal to Mankind, and a reproach to the Religion they profeſs! And ſuch as theſe certainly deſerve to be uncaſed, that the World may ſee them in their proper Colours, and ſtamp upon them that Brand of Infamy they ſo well deſerve. For whatever Mercy the Government may be ſo generous as to extend to its declared Enemies, theſe certainly can't be ſo impudent as to put in for a Share. The *Jews* openly preferr'd *Barrabas* to our Saviour, and it is not improbable that ſome of thoſe very Men who ſo loudly cry'd out, *Crucifie him*, came in afterwards, and proving Converts to the Chriſtian Faith, received their Pardon. *But* Judas, *that Son of Perdition, who betray'd his Lord with a Kiſs, and the ſmooth Complement of Hail Maſter*, found no place for Repentance, *but being overwhelmed with Deſpair, became his own Executioner*. And if the Men I have been ſpeaking of did but ſeriouſly conſider the guilt of breaking ſo Solemn an Oath, they would either heartily repent of it as the *Jews* did of their Malice to our Saviour, or elſe follow the ſteps (in his End as well as in his Treachery) of their great Apoſtle *Judas*. In the mean time (Gentlemen) it is the Duty of all thoſe who wiſh well to the Government, to diſcover ſuch Villains and bring them to Puniſhment; for elſe if they go on ſtill in their ſeditious Practices, and pervert the Truſts they have committed to them to the ruine of our preſent Settlement, we ſhall too late be ſenſible by ſad experience that tho they have the voice of *Jacob*, yet their hands

St. Matth. c. 27. v. 21. St. Mark. c. 15. v. 13. St. Matth. c. 26. v. 49. c. 27. v. 5.

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Gen. c. 27. v. 22. are the hands of *Eſau*: hands full of Treachery and Rapine, Fraud, Deceit, and Blood! Therefore, *Gentlemen*, I hope you will not fail to enquire and preſent ſuch Men, who, tho they have Sworn Allegiance to the Government, yet boldly expreſs their diſaffection to it by Seditious Speeches and malevolent Reflections. I have now, *Gentlemen*, declared to you at large, in relation to your Inquiries and Preſentments, the Duties you owe to God and to the King; to the former, Fear and Reverence; to the latter, Honour and Allegiance. I now proceed to diſcourſe to you of the Duties owing to ſubordinate Magiſtrates, which are theſe: A reſpect to them on the account of the Character they bear, and a due Submiſſion to their Legal Orders; for our Laws are ſo careful to preſerve the Chain of ſubordinate Government entire, that 'tis Murther to kill the meaneſt Officer in the Execution of his Office, and to abuſe him in it, or for it, is a high Contempt and puniſhable in this Court; as are alſo all Contempts of the under Officers towards us their Superiors, in neglecting to obey our Orders, and execute our Warrants, and likewiſe all Diſobedient, Sawcy, and unmannerly Behaviour of any other Perſon that is brought before us. Theſe things Gentlemen, you are to enquire and Preſent.

In the next place, Gentlemen, you are to enquire and preſent all Offences againſt that Civil Juſtice we owe to our Fellow Subjects, and they are theſe: 1. Petty-Treaſon, of which all thoſe are guilty who being Wives, Children, Servants, or private Clergy-men, Murther their Husbands, Parents, Maſters, Miſtriſſes, Dioceſans or Ordinaries. For all theſe Offenders owe Faith, Duty, and private Obedience to the party Murthered. After Petty-Treaſon, the next Felony you are to preſent (for theſe and ſeveral other Crimes come under the general Denomination of Felony) is Murther. This when it is committed upon Malice *prepenſe*, is called willful Murther, and the Offender hath no Benefit of his Clergy, and within this comes alſo Malice implyed, where a Perſon ſuddenly kills another without any Provocation given, or ſtabs a Man who hath no weapon drawn. Manſlaughter is where a Perſon kills another upon preſent heat or a ſudden Paſſion, in this Caſe the Offender is allowed his Clergy. The next Crimes to be enquired and preſented (as Felonies) are Rapes, Burnings of Houſes, Burglary, and all ſorts of Robberies, whether on the Road or in Houſes open or ſhut, ſtealing of Horſes or other Cattel abroad, or elſewhere. Thefts, Petty Larcenaries, and the return of

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any dangerous Rogue into this Realm, without Licenſe, after he hath been Baniſhed, is Felony, and enquirable in this Court, as are likewiſe all manner of Felonies whatſoever. You are likewiſe to enquire and preſent all Treſpaſſes againſt the Peace; and theſe are Aſſaults, Batteries, Blood-ſheds, Maihems, forcible Entries, forcible Detainers, Riots, Routs, and unlawfull Aſſemblies. What theſe are, I doubt not but you all very well know, and therefore I ſhall not ſpend time in defining them to you, but only tell you again, that it is your Duty to enquire and preſent them. In the next place, Gentlemen, you are to enquire and preſent all Libellers, Barretors, Extortioners, Frauds, and Deceits, the neglect of all Conſtables, Headboroughs and Tything-men, in doing their Duties, (eſpecially as to all Matters relating to the puniſhing and repreſſing of Vice and Debauchery, concerning which I have already diſcourſed to you at large;) as likewiſe the neglect of all Overſeers of the Poor, and Surveighers of the High ways; in relation to whom I deſire you to take notice of the Two Acts of Parliament paſs'd this laſt Seſſion, concerning the Poor and the High-ways; of which I would give you the Heads if the Time would allow me. You are alſo to enquire and preſent all Diſorders between Maſters and Servants; all Foreſtallers, Ingroſſers, Regrators, Deſtroyers of the Game, and diſordered Victuallers, and you are to enquire and preſent all Annoyances, as Diſorderly Ale-houſe-keepers, Cottagers, Receivers of Inmates, the defaults of High-ways and Bridges, and the permiſſion of free Paſſage to Rogues and Vagabonds, who ought to be ſeverely puniſhed, and ſent back to the Places of their legal Settlement. Gentlemen, I am ſenſible I may have omitted ſeveral particulars of your Duty, but ſince you cannot (as I ſuppoſe) be ignorant of them, that will not excuſe you from preſenting theſe and all other Offences that come to your Knowledge. As to thoſe Points that I have ſo largely inſiſted on, I muſt tell you plainly, that I expect you uſe your utmoſt Diligence; I had almoſt forgot to hint to you one Reaſon, as ſtrong as any that can be drawn from Intereſt, why you ſhould puniſh all Immoralities with the utmoſt rigour of Law, and that is, the daily increaſe of the Poor in almoſt every Pariſh, ſo that in ſome places the Rates for the Poor exceed the publick Taxes aſſeſſed by Parliament, for carrying on the War. Whereas I dare boldly Affirm, that if all common Swearers, prophaners of the Lord's Day, Drunkards, Tiplers, and thoſe Inn-keepers, Ale-houſe-keepers, and Victuallers, who

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ſuffer Diſorders in their Houſes, duly paid the Penalties appointed by Law, almoſt every Pariſh would be eaſed of half their Charge, or if that continued, it would be a light Burthen and a very tolerable Grievance, in compariſon of the Immoralities and Diſorders that have over-ſpread the Nation. You are alſo to conſider that all theſe Forfeitures do of right belong to the Poor; they have as good a Title to them as any Man hath to his Eſtate, and certainly to rob and defraud the Poor is a Crime above the common Level; and thoſe who connive at it are undeniably Acceſſaries to it. To Conclude, Gentlemen, let me once more deſire you to remember your Oaths, and in order to the diſcharging your Duty with the greater Sincerity and Diligence; let me adviſe you to fix in your Minds a ſtrong Idea of the general Appearance we muſt all one day make before the great Tribunal, in Compariſon of which the moſt Solemn and Auguſt Court of Judicature here upon Earth, (though it may in ſome ſmall Meaſure repreſent it to our Thoughts) is but a piece of formal and vain Pageantry. And now, Gentlemen, without detaining you any longer, I diſmiſs you all to your ſeveral Inquiries.

FINIS.

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AN Hiſtorical Relation of the Conſpiracy of *John Lewis* Count de *Fieſchi*, againſt the City and Republick of *Genoua*, in the Year 1547. Written in *Italian* by *Auguſtin Maſcardi*, Gentleman of the Bed-Chamber to Pope *Urban* the Eighth. Done into *Engliſh* by the Honourable *Hugh Hare*, Eſquire; and Dedicated to the late Queen. Printed for *John Newton* in *Fleet-ſtreet*, 1693.